

REMARKS

This application has been reviewed in light of the non-final Office Action dated May 22, 2007. Claims 35-58 are now pending, with Claims 35 and 47 in independent form. In this regard, Claims 1-34 have been cancelled by this Amendment without prejudice or disclaimer of the subject matter presented therein. Claims 35-58 have been added to provide Applicants with a more complete scope of protection. Although these claims are not so limited, support for these claims can be found in the specification at least with reference to original claims 1-9; FIG. 2; page 5, lines 13-16; page 5, lines 24-25; page 6, lines 1-3; page 6, lines 15-16; page 7, lines 1-2; page 7, lines 15-17; page 7, lines 24-28; page 8, lines 1-2; page 9, lines 23-26; page 10, lines 1-3; and page 10, lines 15-16. Favorable reconsideration is respectfully requested.

Claims 6, 14, 15, 21, 22, 29 and 30 have been objected to because of informalities. Applicants have cancelled these claims without prejudice or disclaimer of the subject matter present therein and have replaced them with new claims. Such new claims are believed to be free of informalities and withdrawal of these rejections is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. §102 as allegedly anticipated by U.S. Patent No. 6,222,947 (Koba). Claims 2-5, 10-13, 16-20, 23-28 and 31-34 stand rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent No. 6,222,947 (Koba), in view of U.S. Patent No. 6,606,398 (Cooper). Although these rejections have been rendered moot by the cancellation of Claims 1-34, Applicants respectfully submit that the new claims are patentable over the rejecting references taken separately or in any proper combination for at least the following reasons.

Independent Claim 35 requires a method implemented by an image processing system for facilitating generation of a customized photo album for a collection of digital images. The method includes obtaining a set of digital images, and identifying age information associated with a person identified in the set of digital images. The method also includes identifying one or more suggested display elements from a database of display elements based at least upon the age information, and generating a customized photo album page for the set of digital images by applying one or more of the suggested display elements to the page.

A notable feature of Claim 35 is the generating of a customized photo album page by applying a suggested display element to the page, wherein the suggested display element is identified based at least upon age information associated with a person identified in the set of digital images. Such a feature allows, for example, pictures of an infant to be organized by an image processing system into a baby-themed picture album. See FIG. 8.

Neither the Koba Patent or the Cooper Patent are understood to teach this feature. At best, the Koba Patent is understood to teach selecting a “background image ... in accordance with the photographic date information input together with the images ... [and] caption information” Col. 7, lines 27-30. Assuming, for argument’s sake, that a background image is a display feature according to Claim 35, the Koba Patent’s photographic date information is not age information, and the Koba Patent does not teach or suggest that the caption information includes age information associated with a person identified in the set of digital images. Accordingly, Applicants respectfully submit that it cannot be said that the Koba Patent teaches or suggests Claim 35’s generating of a customized photo album page by applying a suggested display element to the page, wherein the suggested display element is identified based at least upon age information associated with a person identified in the set of digital images.

The Office Action apparently agrees with this position, because it relies upon the Cooper Patent to allegedly disclose “the detection and recognition of images, classifies the faces by age and gender groups and catalogs them in a face database (See Figs. 2 & 3).” See pages 3-4 of the Office Action. Assuming, merely for argument’s sake, that this interpretation of the Cooper Patent is correct, it still fails to bring forth a prior art teaching regarding using age information associated with a person in an image to identify suggested display elements and to generate a customized photo album page using one of the suggested display elements. In other words, Claim 35 does not merely require storing age information of a person in digital images, it requires using this information to identify a suggested design element that is used to make a customized photo album page. Applicants respectfully submit that neither the Cooper Patent or the Koba Patent include such a teaching or suggestion.

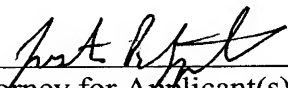
For at least the above discussed reasons, Applicants respectfully submit that Claim 35 is patentable over the rejecting references, taken separately or in any proper combination.

Independent Claim 47 includes the same or similar features as those discussed above in connection with Claim 35 and, therefore, are submitted to be patentable for at least the same reasons.

The other claims in this application depend from one of the independent claims discussed above and, therefore, also are submitted to be patentable for at least the same reasons. Since each dependent claim is deemed to define an additional aspect of the invention, individual consideration of the patentability of each claim on its own merits is respectfully requested. For example, Claim 36 introduces the use of gender information to identify a suggested display element, Claim 39 introduces the use of numbers of people to identify a suggested display element, and Claim 42 introduces the use of sizes of faces to identify a suggested display element. Even if the Cooper Patent were deemed to teach recording such information, Applicants respectfully submit that it is not obvious to use such information to identify a suggested display element that is then used to generate a customized photo album page. Also, for example, Claim 43 requires identifying more than one suggested display element. In contrast, the Koba Patent is understood to teach selecting a background image. Col. 7, lines 27-31.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and the allowance of the present application.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.